

**MEETING MINUTES
Town of Acton
Community Preservation Committee
October 06, 2010
Acton Boxborough High School**

Attending: Walter Foster, Peter Ashton, Susan Mitchell-Hardt, Ken Sghia-Hughes, Janet Adachi, Tori Beyer, Dore Hunter, Corrina Roman-Kreuze, Roland Bourdon.

Also present were: Steve Anderson Town Counsel from Anderson and Kreiger, Jim Okun Environmental consultant from O'Reilly, Talbot & Okun, Lauren Rosenzweig Morton, (Board of Selectmen Chair) Steve Noone (Finance Committee observer), Doug Tindal (Finance Committee) Mary Michelman (ACES) Anne Forbes, Historic District Commission, Susan Kennedy (Land Steward

The meeting was called to order at 7:31PM

1. On behalf of the Town of Acton, Steve Anderson and Jim Okun made a presentation with an update on the Caouette/Simeone property.

- a. An overview of the environmental testing to date was given by Jim Okun. Land has contamination present on a section of the parcel. Contamination includes: polycyclic aromatic hydrocarbons (PAH), lead and arsenic. There are additional samples outstanding – results expected on October 7, 2010.
- b. Jim provided an overview of cleanup costs associated with property – as of meeting on October 6, 2010 – this is estimated to be approximately \$120,000 to remove contaminated material and take to appropriate facility. There is also a lower cost option of \$50,000-\$60,000 to cap the contamination.
- c. Steve Anderson discussed property appraisal dated October 4, 2010. This appraisal reflects a smaller property with five potential house lots instead of previous six potential house lots and reflects the need for environmental remediation.

Parcel “As Is” with contamination is appraised at \$740,000.00

Parcel with contamination cleaned up is appraised at \$830,000

Steve Anderson pointed out that there is some rounding associated with appraisals.

When CPA monies are used to purchase property, CPC can only use up to appraisal value. Where will the “delta” between appraised value and offered value come from?

Steve Anderson presented the CPC with a chart of various scenarios of how the clean-up of the property and the cost to the Town of Acton and to the CPC fund could break down.

Steve Anderson further indicated that CPA monies can be used to restore land purchased with CPA monies.

Acton Board of Selectmen wants to know: What is appropriate amount of money to come from CPC for the purchase of this property?

Chairman Foster asked if CPC would be comfortable with using CPC funds on clean up?

There was discussion about amount of money Town has spent to keep the real estate offer open. Selectman Rosenzweig- Morton reported that BOS told sellers of property that the BOS intended to bring the deal to Town Meeting for approval. Selectman Rosenzweig and Town Counsel indicated that Town Boards and Committees have to do their own due diligence.

The committee discussed the two appraised values given and which amount should be used by CPC. Chairman Foster asked the committee to consider if we should recommend the appraised value of \$830,000.00 or \$740,000 or zero. Another question for the committee: Should any of the CPC funds previously allocated at Town Meeting be used for any other purpose? (For example: remediation)

Chairman Foster indicated that he is of the opinion that the difference between the appraised value and the offered value should not come from Free Cash in the Town's budget.

Input from audience regarding CPC's recommendation:

Anne Forbes – Could we appropriate money at a future Town Meeting for clean up?

Steve Noone and Doug Tindal expressed concerns about this deal going forward as the ultimate cost is quite high. Doug Tindal indicated that a complete cleanup should be done if we decide to go forward.

Susan Kennedy from the Acton Conservation Trust Acton Land Trustees indicated that they would have a hard time bringing this forward now with the knowledge we have.

Sue Kennedy listed pros for purchasing the property. These were:

This parcel is very important; The Town has invested time and funds to keep the deal alive. Sue encourages further conversation with the landowner to bring down the price. Town must weigh getting a better deal with continuing to bring this back to Town Meeting and getting the family to give more extensions. The family has a solid deal with a developer. The family is from Acton. The property has historic value and scenic vista. There are permanent costs associated with development. Town funds are already spent.

Roland B. moved that CPC not go above "as is" appraised value of \$740,000.00. This was seconded by Walter Foster for the purpose of discussion.

Peter Ashton – who also sits on the Open Space Committee - believes that this is past the "pull the plug" number and is not in favor of this going forward. As an Associate on CPC, he pointed out that he does not have a vote.

Susan Mitchell-Hardt –the Acton Conservation Trust liaison to the Open Space Committee – is in favor of this going forward at the \$830,000.00 figure.

On the motion Mr. Bourdon's Motion to not go above "as is" appraised value of \$740,000.00: 3 Ayes and 4 Nays and 0 Abstentions.

Chairman Foster moved that CPC recommend up to \$830,000.00 for the purchase of the Caouette/Simeone property. Motion was seconded. 7 Ayes and 0 Nays and 0 Abstentions.

DRAFT 1, 10/06/2010

Chairman Foster moved that the remaining \$170,000.00 from previous TM vote not be touched for remediation of property. Motion was seconded. Six Ayes 0 Nays and 1 Abstention.

Meeting was adjourned at 9:58PM

Documents Discussed and Attached

Frequently Asked Questions (FAQs) prepared by Board of Selectmen (not yet approved by BOS) regarding Caouette/Simeone Land purchase

Meeting Agenda for October 06, 2010

Second Valuation Analysis for Caouette/Simeone property prepared by John Avery

Slides prepared by Jim Okun of O'Reilly, Talbot & Okun

Estimated Cleanup Cost document prepared by Steve Anderson of Anderson and Kreiger

Draft Article for Special Town Meeting

Town Meeting Warrant certified copy of Article K – 2010 Town Meeting.

Next Meeting: October 14, 2010 7:30PM

Respectfully Submitted: Corrina Roman-Kreuze, Clerk